

Columbia Law School Commencement Address
May 23, 2013
Prepared Remarks of U.S. Attorney Preet Bharara

Dean Schizer, distinguished faculty, proud parents, family, friends, and graduates.
Congratulations to the Class of 2013. You have so much to be proud of and so much to be grateful for.

I must admit that I am both honored and a bit apprehensive to be here today.

I am honored, first, to have been given this robe thing, which is quite similar to the cape I normally wear. So, thank you.

I am honored also because this is my own 20th reunion year from Columbia Law School. And so I'm feeling a bit nostalgic – so much so that I brought all three of my own children today so they could see where **both** of their parents proudly attended law school. Inevitably, my daughter gets here, looks around, rolls her eyes, and says, “You and Mommy went to law school . . . in a tent?”

Now, I am a bit apprehensive because this is such a momentous day for all of you, and it's quite challenging to find words fitting to the occasion.

I am apprehensive also because I was asked to stay to help award the actual diplomas, which apparently involves shaking the hands of all 681 graduating students. Which concerned me a little bit, because I didn't know if there was going to be enough Purell. And, quite frankly, I don't know where all your hands have been.

So, today is graduation day. And graduation means transition – for many of you, it means a transition from three years of taking loans to 300 years of paying them back.

But it is also a transition from academia to actual practice, and that can be jarring because it entails a dramatic change in perspective.

It means going from the abstract to the concrete; it means going from the grand to the granular.

In law school, you dance with hypotheticals; in practice, you dine on reality.

And so the law may first be learned in an ivory tower (or a concrete toaster, as the case may be), but its effect is felt by flesh-and-blood people – often frail and frightened and human – who will have to rely, against their will, on lawyers like you for help: to save their home or their job or their reputation. They will have to depend on you for a deal to close or a patent to issue or a criminal to be brought to justice.

That is a titanic responsibility. And it should be both exhilarating and terrifying at the same time.

Lawyers often hold lives and livelihoods in the palms of their hands, and it will take more than book learning to do right by people who have no choice but to depend on you.

No treatise can teach how to coax a witness too terrified to testify; or how to challenge a foolish client who wants to lie to the government; or how to motivate a company to do the right thing.

But these are precisely the kinds of human challenges that lie ahead of you, just on the other side of your diploma.

The fact is: much of what will determine whether you are a success or a failure, whether you make a mark or leave no impression, resides not here (in your brain) but here (in your gut) and here (in your heart).

Every great and influential lawyer – which I hope you all aspire to be – has always had, not just an agile mind, but also guts and heart.

And so, along these lines, I have just three modest pieces of advice to offer this afternoon. The advice is actually pretty basic, and it's this: seize opportunities to lead people; to be a good person; and to serve people other than yourself.

These precepts may sound self-evident, but I can tell you after 20 years of private practice and public service, these common-sense impulses are not demonstrated commonly enough.

That is sad and unfortunate. Sad because our profession continues to be mocked and maligned; and sad, more importantly, because there are so many problems to fix and so many people to help.

So my first piece of advice is this: seize opportunities to lead.

You are, or are about to be, a Columbia Law School graduate.

You know what that means? Endless requests from the Alumni Office for donations, yes.

But it also means that you will have opportunities for leadership that are available to almost no one else.

In fairly short order, you will be perched at the very pinnacles of power, counseling some of the most influential people in the world – people with the power to affect markets and alter economies, people with the power to pass laws and wage war. Some of you may even assume positions that give you that kind of power directly.

And when you get there, you will have a choice: you can choose to be either a leader or a lemming.

A leader is a person of courage and action, with integrity and an independent mind.

A lemming is a small and unattractive rodent that will follow other unattractive rodents off a cliff. Choose to be the former.

Always remember that, as a lawyer, you are not an ordinary professional.

You are not only educated and credentialed, you are an officer of the court; you take an oath to uphold the Constitution; you are bound by strict codes of ethics; and you are part of a storied and still-noble profession.

And so you have a special responsibility – and also special authority.

And so do not ever shrink from asserting yourself, proudly and forcefully as a lawyer, when the moment arrives for you to lead rather than go along.

You will have these moments probably sooner and more often than you think. And it will be heart-stopping and difficult – when a client or a superior wants to violate a clear obligation or sweep something under the rug or misrepresent a fact – and insists that you, the lawyer, approve that thing.

Will you have the courage to confront the client? To have an unpleasant conversation? To incur wrath? To risk being fired? Will you have the courage to walk away?

That's the kind of leadership I am talking about, and it is not easy. It's hard. It is harder than any exam you've ever studied for, harder than any class you've ever taken . . . harder even than Fed Courts.

But that's what it means to be a leader rather than a lemming. As the famed lawyer-statesman Elihu Root once put it: "Half the practice of a decent lawyer consists in telling would-be clients that they are damned fools and should stop."

Not nearly enough members of our profession today heed that admonition. You can fill entire stadiums with lawyers who are satisfied by simply being rubber stamps and providers of cover – so long as they are paid well for it.

And while they are enriched, the rest of us are much poorer for it because the consequences of that attitude are, over time, catastrophic.

I can tell you, as the U.S. Attorney in Manhattan, that in scandal after scandal and tragedy after tragedy, if someone had just spoken up or sounded the alarm or refused to provide dubious legal cover or simply told the client no, a lot of people would have been saved a lot of pain. We are counting on you to be better than that. So, lead; don't just follow.

Here is my second piece of advice: Be not just a good lawyer, but a good person and find opportunities to be good to other people.

Sadly, there has been a coarsening of law practice over time – to the point where some attorneys' first instinct is to attack and accuse and play tricks. And the decibel level is often out of all proportion to the case or controversy at hand.

Not every minor litigation or corporate dispute is World War III. The law may be an ass, as Dickens wrote, but lawyers don't have to be.

I am not suggesting that everyone has to be best friends with everyone else or that lawyers need to be genteel or pull punches; certainly not. But I am saying that lawyers need to keep some perspective, even in "battle."

Always remember that your opponents in a case are not your mortal enemies; they are your adversaries in an admirable system that aspires to treat every participant with dignity and respect.

Remember also not just to be respectful, but also honorable and honest. The best and most effective lawyers that I have ever known – the ones who beat us more often than anyone else – are uniformly above-board, not under-handed. They are lawyers, not tricksters, and they are men and women always true to their word.

And everything I have said about your adversaries goes double for your colleagues – whether they are your superiors, your subordinates, or your peers.

Be the kind of colleague that people want to take a bullet for, not the kind of colleague that people fantasize about putting a bullet in.

I have seen too many lawyers who manage by intimidation and fear, whose default mode is to bludgeon or belittle. And they justify it by claiming to be perfectionists who just demand excellence. That's a load of nonsense, and don't ever fall for it or emulate it. Abusive people are weak, not strong.

As the late five-star general and commander-in-chief Dwight Eisenhower once said, "You don't lead by hitting people over the head – that's assault, not leadership."

So treat people well. Remember to praise the deserving and mentor the inexperienced; remember to offer encouragement and to share credit.

Trust me on this: if you behave with courtesy and kindness to both your adversaries and your colleagues, you will stand out and you will succeed.

My third and final piece of advice should come as no surprise: Find ways to serve other people. That is your great opportunity as a lawyer.

There are people who spend their entire lives waiting for the chance to make a difference in their community or their country. For so many – too many – that chance never comes.

But every single one of you – simply by virtue of your law degree – will have that chance every single day.

And that is a lucky thing. The virtue of serving the public cannot be overstated – not only does the world benefit, but you benefit. Tell me anyone who has spent time in public service who hasn't loved it; who hasn't learned from it; and who hasn't advanced because of it.

A lawyer in public service is one of the great win-win propositions in the history of propositions. You grow and you gain; and the world gains too.

Now, maybe some people don't think to try because they wonder what difference can they make, just by themselves; they perhaps worry that their contribution might be too small to be worth the effort and the sacrifice.

To those people, I say that it is worth remembering the words of Edmund Burke, who once observed, "Nobody made a greater mistake than he who did nothing because he could only do a little."

I understand it is not in the cards for most people to spend a full career in public service – for financial reasons or family reasons or because of other career aspirations. I myself spent seven years in private practice before the last 13 in government.

But let me offer what I think is a modest but concrete goal: over the course of what will be a long career in the law, try to figure out a way to spend at least a portion of it serving the public and your community.

Try to figure out a way to just give five – five years to some cause or project important to you and bigger than you.

How much time is that, really? In the context of a full life and a full career, it's the blink of an eye.

If you are religious, consider it a kind of career tithe: just 10 percent of a 50-year career. And if you're not religious, consider it an insurance policy.

In any event, given medical advances, you'll all probably live to be 125 years old, so it's really only like five percent of your career.

So try to give five. It doesn't have to be this year or next. It can be in 10 years or in 20. It doesn't even have to be consecutive. But try to plan for it. If you can resist, try to lay off the mansions and Maseratis so that when the opportunity to serve comes your way, you are not too encumbered to say yes.

For whatever issue you care about, five years may not win the war or change the world, but it can win a battle and it can advance a cause.

Imagine what you can do – with just five years' service. Imagine the people you can help and the underdogs you can champion and the communities you can serve – with just five years of service.

Five years, by the way, happens to be about the average length of service for an Assistant U.S. Attorney in my office. There are only around 220 of them, less than a third of the total number of students graduating today.

And while the individual contributions of each of those lawyers in just a five-year period has made countless lives better and countless communities safer, the collective contribution made by all those five-year tenures has made the U.S. Attorney's Office for the Southern District of New York one of the most powerful forces for justice anywhere.

Now, just imagine if everyone gave five.

Even if you don't know that you have five full years to give one day, something is still better than nothing: and so given the state of the world at this moment, please find some small way to serve others. I have said this before, and I try to say it as often as I can.

From time to time in your career, find some small way to show that lawyers can make not just a living but also a difference.

Find some small way to show that lawyers can work the occasional little miracle.

Find some way to show that, at a time when so many cynics believe that so many attorneys are either demons or devils, that lawyers can, sometimes, be angels too.

Now I know that for many people in the outside world, who sit at a distant remove from this celebration and who are not giddy from graduation, talk of lawyers as angels or as miracle workers is downright laughable.

But I submit, a part of your responsibility – not only to your profession but also to yourselves and to your country – is to find ways to wipe the cynical smiles from those skeptics' faces.

Nothing great was ever accomplished with a cynical heart.

Many decades after he served as the U.S. Attorney in this district more than a century ago, after also serving as Secretary of State and War, Henry Stimson described the challenge for people who might wish to make a difference in the world:

Stimson said this: "Let them have hope, and virtue, and let them believe in mankind and its future, for there is good as well as evil, and the man who tries to work for the good, believing in its eventual victory, while he may suffer setback and even disaster, will never know defeat. The only deadly sin I know is cynicism."

And so, Class of 2013, if you want to make a difference in the world, and I hope you do, your idealism will be more important even than your degree. Please don't ever lose it.

Congratulations and good luck.